

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL RODGERS	:	CIVIL ACTION
Plaintiff,	:	
	:	
vs.	:	NO. 07-3613
CITY OF PHILADELPHIA,	:	
C.O. DAMION SAMUELS,	:	
C.O. CARLTON LANE,	:	
C.O. ANTHONY BLACK, and	:	
C.O. SHAWN JAY	:	
Defendants.	:	

ORDER

AND NOW, this 22nd day of July, 2009, upon consideration of Defendants' Motion to Dismiss Plaintiff's Amended Complaint (Document No. 34, filed June 25, 2009), **IT IS ORDERED** that Defendants' Motion to Dismiss Plaintiff's Amended Complaint is **DENIED WITHOUT PREJUDICE** to defendants' right to address the statute of limitations issue, including the applicability of Federal Rule of Civil Procedure 15(c), after completion of relevant discovery by motion for summary judgment and/or at trial.

BY THE COURT:

/s/ Jan E. DuBois
JAN E. DUBOIS, J.